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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	A ITORNEY DOCKET NO.	CONFIRMATION NO
09/436.603	11-09/1999	VINCENT P. LASKO	PPC-0720	6875
*:	590 07-16-2002			
AUDLEY A CIAMPORCERO JR ESQ JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUSWICK, NJ 089337003			EXAMINER	
			PRATT, CHRISTOPHER C	
			ART UNIT	PAPER NUMBER
			1771	•

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. 09/436.603  Examiner	· · ·		AS-
Examiner Christopher C. Pratt 1771 The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 11 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Motice of Appeal (with appeal feet); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)    The period for reply expires		Application No.	Applicant(s)
Examiner   Christopher C. Praitt   1771	Advisory Action	09/436,603	LASKO, VINCENT P.
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to percent for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. If no NLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee the remaining the property of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action: or (2) as set forth in (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely field, may reduce any earned patent term adjustment. See 37 CFR 1.1704(b).  1	PERIOD FOR	REPLY [check either a) or	b)]
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2.	b) The period for reply expires on: (1) the mailing date of th no event, however, will the statutory period for reply expi ONLY CHECK THIS BOX WHEN THE FIRST REPLY W 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). T fee have been filed is the date for purposes of determining the periofee under 37 CFR 1.17(a) is calculated from: (1) the expiration date (2) as set forth in (b) above, if checked. Any reply received by the C	is Advisory Action, or (2) the date relater than SIX MONTHS from the AS FILED WITHIN TWO MONT. The date on which the petition under the correspond of extension and the correspond of the shortened statutory period office later than three months after the status of the shortened status of the sh	the mailing date of the final rejection.  HS OF THE FINAL REJECTION. See MPEP  der 37 CFR 1.136(a) and the appropriate extension iding amount of the fee. The appropriate extension for reply originally set in the final Office action; or
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:  3.☐ Applicant's reply has overcome the following rejection(s):  4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5.☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7.☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 7-9.  Claim(s) withdrawn from consideration:  8.☐ The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9.☐ Note the attached Information Disciosure Statement(s) (PTO-1449) Paper No(s)	<del></del>		·
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	8. The proposed drawing correction filed on	is a) ☐ approved or b) ☐	disapproved by the Examiner.
10. Other:	9. Note the attached Information Disclosure Statem	nent(s)( PTO-1449) Paper	No(s)
	10. Other:		

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that Giacometti does not teach apertures originating form the second surface. However, Giacometti teaches aperatures originating from a second side so that film material is pushed out on the side of a wearer in order to create a pleasant tactile feel (col. 1, lines 35-58). Giacometti also teaches that aperaturing can be done according to several patents previously cited (col. 3, lines 25-35). These patents also teach aperaturing from a second side (col. 2, lines 1-20).